












Ohio Disciplinary System Survey

What is your relationship with the Ohio lawyer discipline system?		
	Response Percent	Response Count
Current board member 	30.8%	16
Former board member 	28.8%	15
Respondent counsel 	32.7%	17
Both current/former board member and respondent counsel 	5.8%	3
Other (please specify) 	1.9%	1
answered question		52
skipped question		0

Other (please specify)		
1	Past chair of a certified grievance committee	Jul 31, 2009 7:50 PM

Ohio Disciplinary System Survey

In what geographic areas do you have experience in the disciplinary process? (check all that apply)







		Response Percent	Response Count
Northeast Ohio		13.5%	7
Northwest Ohio		9.6%	5
Central Ohio		11.5%	6
Southeast Ohio		5.8%	3
Southwest Ohio		15.4%	8
All		73.1%	38
answered question			52
skipped question			0

Ohio Disciplinary System Survey

With what size Certified Grievance Committees have you had experience? (check all that apply)		
	Response Percent	Response Count
Large: Metro (Akron, Cincinnati, Cleveland, Cuyahoga County, Columbus, Dayton, Toledo) and OSBA	40.0%	20
Medium: Butler, Lake, Lorain, Mahoning, Stark, Medina and Trumbull Counties	24.0%	12
Small: all others	6.0%	3
All	62.0%	31
answered question		50
skipped question		2

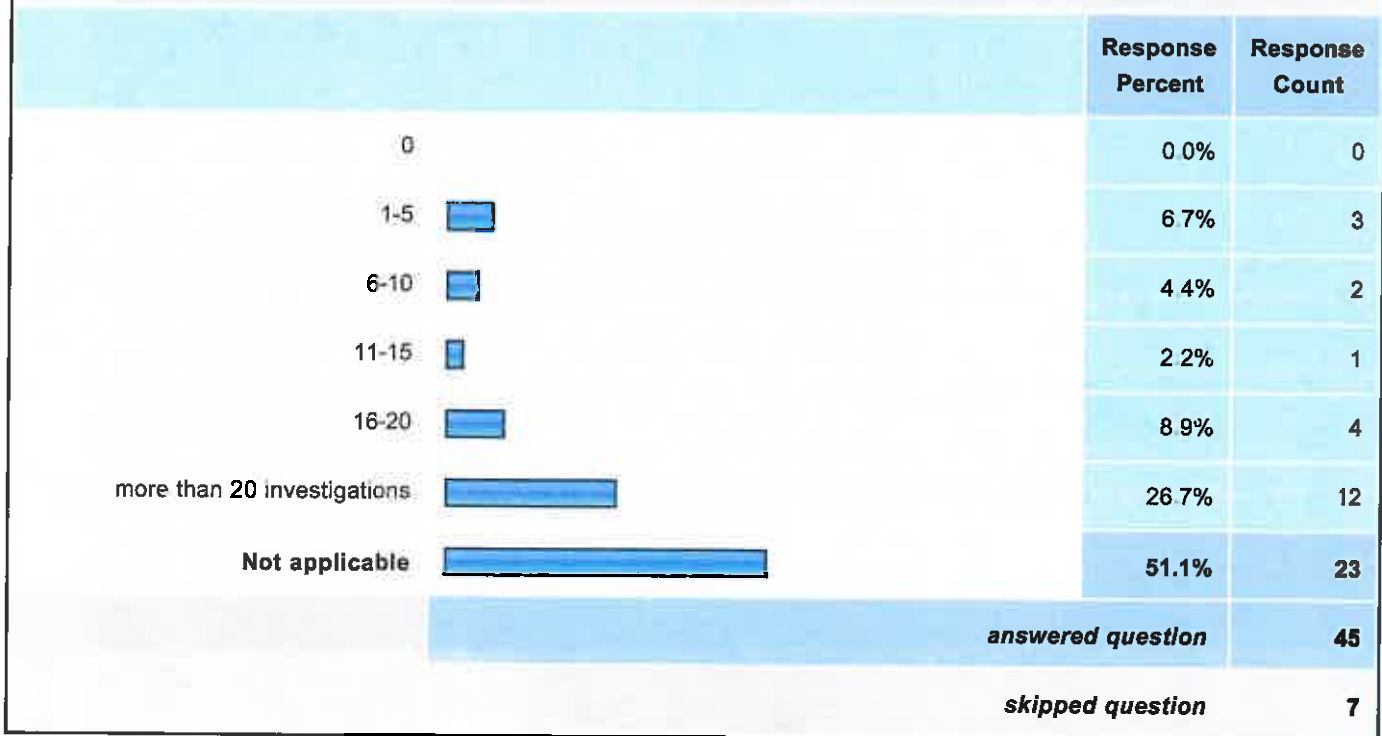
Ohio Disciplinary System Survey

How many years have you been a member of the bar?

	Response Percent	Response Count
0-10 years 	8.3%	4
11-20 years 	10.4%	5
21-30 years 	25.0%	12
31-40 years 	43.8%	21
41-50 years 	10.4%	5
more than 50 years 	2.1%	1
answered question		48
skipped question		4

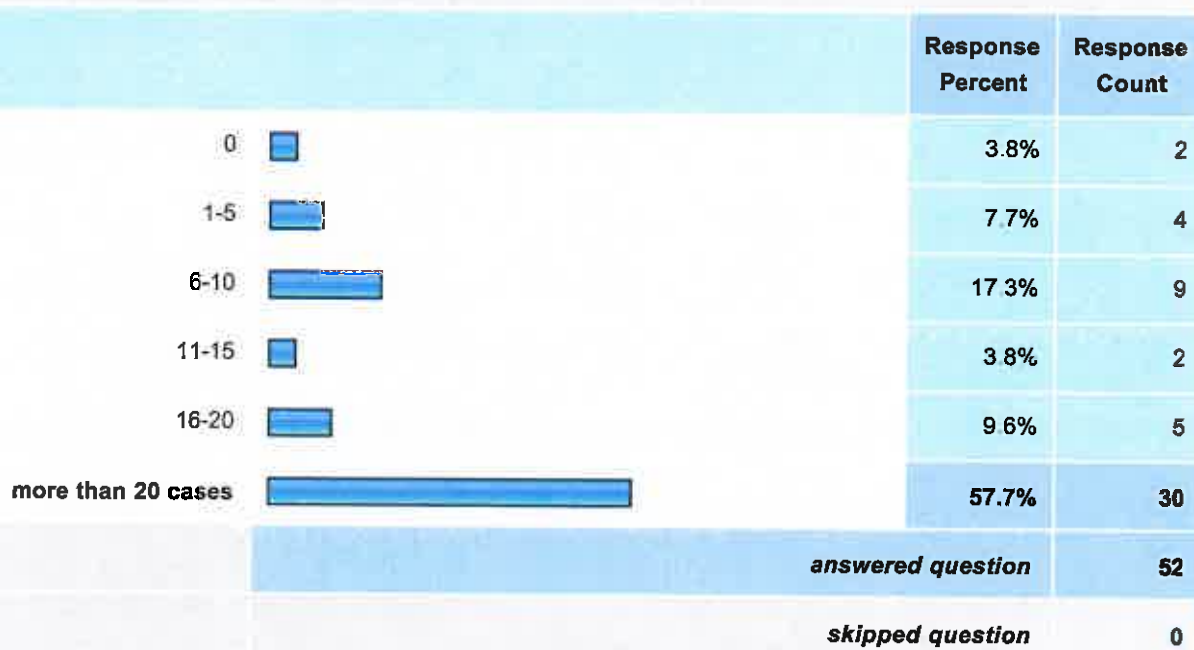
Ohio Disciplinary System Survey

If you are respondent counsel, how many grievance investigations have you participated in over the past five years?



Ohio Disciplinary System Survey

How many disciplinary cases have you participated in over the past five years?



Ohio Disciplinary System Survey

In your opinion, how important are the following characteristics of the Office of Disciplinary Counsel?						
	Highly Important	Important	Unimportant	Highly Unimportant	Don't Know/NA	Response Count
Knowledge of the Rules of Professional Conduct	82.7% (43)	17.3% (9)	0.0% (0)	0.0% (0)	0.0% (0)	52
Adequate communication throughout process	76.9% (40)	23.1% (12)	0.0% (0)	0.0% (0)	0.0% (0)	52
Knowledge of procedures under Rule V of the Rules for the Government of the Bar of Ohio	78.8% (41)	21.2% (11)	0.0% (0)	0.0% (0)	0.0% (0)	52
Understanding of case law of professional conduct	63.5% (33)	36.5% (19)	0.0% (0)	0.0% (0)	0.0% (0)	52
Knowledge/understanding of the practice of law	73.1% (38)	26.9% (14)	0.0% (0)	0.0% (0)	0.0% (0)	52
Attention to a prompt, yet thorough resolution	59.6% (31)	40.4% (21)	0.0% (0)	0.0% (0)	0.0% (0)	52
Impartiality	78.8% (41)	19.2% (10)	1.9% (1)	0.0% (0)	0.0% (0)	52
Fairness to respondent	86.5% (45)	13.5% (7)	0.0% (0)	0.0% (0)	0.0% (0)	52
Fairness to grievant	78.4% (40)	17.6% (9)	3.9% (2)	0.0% (0)	0.0% (0)	51
Protection of the public	80.4% (41)	17.6% (9)	2.0% (1)	0.0% (0)	0.0% (0)	51
Comment (optional)						11
answered question						52
skipped question						0

Comment (optional)		
1	I served as Disciplinary Counsel for four years. Geoffrey Stern	Jul 30, 2009 3:10 PM
2	Being a former attorney in practice gives great insight to Counsel.	Jul 31, 2009 3:42 PM
3	grievants are frequently mere informants and occasionally have an axe to grind, thus it is not nearly as important that they be treated "fairly" as judges and lawyers whose right to practice may be at issue	Jul 31, 2009 6:34 PM

Comment (optional)		
4	In comparison to counsel for bar associations and/or their certified grievance committees, the Office of Disciplinary Counsel is a "preferred" opponent in disciplinary matters. That being said, however, some of their positions advocated in the course of a particular case, especially those that proceed to full hearing, and the tactics employed, are truly prosecutorial in nature. Simply put, at times, ODC appears to exalt form over substance as it pertains to alleged violations of either the Rules of Professional Conduct or the Code of Professional Responsibility, seeming to ignore the wide-ranging and quasi-criminal potential ramifications of a grievance being filed against an attorney.	Jul 31, 2009 8:08 PM
5	Nothing less than complete adherence to the listed characteristics is acceptable in any part of the disciplinary process by any participant.	Aug 1, 2009 6:42 AM
6	Protection of the public is important, and while some disciplinary cases do that, others do not and are simply window dressing for making the public beleive we are policing our own.	Aug 1, 2009 11:43 AM
7	MY EXPERIENCE HAS BEEN POSITIVE, RELATIVE TO THE OFFICE OF DISC. COUNSEL. WELL INTENTIONED. PRAGMATIC AND ACCOMMODATING TO ALL PARTIES.	Aug 3, 2009 3:11 PM
8	I have argued 35 cases in the Supreme Court. Eight of the past ten years, I was a judge and, therefore, disqualified to participate in the process.	Aug 5, 2009 8:46 PM
9	Disciplinary system should not be used to collect money for clients or to act as a surrogate for legal malpractice cases that have long since passed the statute of limitations. This seems to be the trend in some of the bigger cases over the past two years.	Aug 12, 2009 2:24 PM
10	I am a member of the Board of Commissioners on Grievances and Discipline.	Aug 16, 2009 7:18 PM
11	The Office of Disciplinary Counsel must meet the highest standards. The Disciplinary Counsel is a role model for professionalism for the Bar in Ohio.	Aug 20, 2009 10:28 AM

Ohio Disciplinary System Survey

How would you rate the following characteristics of the Office of Disciplinary Counsel?						
	Excellent	Good	Average	Poor	Don't Know/NA	Response Count
Knowledge of the Rules of Professional Conduct	84.6% (44)	15.4% (8)	0.0% (0)	0.0% (0)	0.0% (0)	52
Adequate communication throughout process	59.6% (31)	28.8% (15)	7.7% (4)	0.0% (0)	3.8% (2)	52
Knowledge of procedures under Rule V of the Rules for the Government of the Bar of Ohio	82.7% (43)	17.3% (9)	0.0% (0)	0.0% (0)	0.0% (0)	52
Understanding of case law of professional conduct	73.1% (38)	21.2% (11)	5.8% (3)	0.0% (0)	0.0% (0)	52
Knowledge/understanding of the practice of law	34.6% (18)	30.8% (16)	21.2% (11)	11.5% (6)	1.9% (1)	52
Attention to a prompt, yet thorough resolution	45.1% (23)	37.3% (19)	13.7% (7)	2.0% (1)	2.0% (1)	51
Impartiality	53.8% (28)	32.7% (17)	5.8% (3)	5.8% (3)	1.9% (1)	52
Fairness to respondent	57.7% (30)	26.9% (14)	9.6% (5)	3.8% (2)	1.9% (1)	52
Fairness to grievant	59.6% (31)	32.7% (17)	1.9% (1)	1.9% (1)	3.8% (2)	52
Protection of the public	66.0% (33)	24.0% (12)	10.0% (5)	0.0% (0)	0.0% (0)	50
Comment (optional)						15
answered question						52
skipped question						0

Comment (optional)		
1	I am unsure what is meant by the "fairness to Grievant" question. As a Board member I do not see the grievant as a party or having much legitimate interest in the proceedings. I think the overriding principle is protection of the public and the grievant is just a vehicle for protection of the public, an	Jul 30, 2009 2:58 PM
2	There are fairly wide differences among Asst. Disciplinary Counsel on promptness.	Jul 30, 2009 3:10 PM

Comment (optional)		
3	ODC occupies the position of advocate, which has a bearing on its ability to provide "fairness to the respondent." Nonetheless, they do a pretty good job at that, sometimes despite an absence of cooperation from the other side. They also have a fair, although not comprehensive understanding of the practical challenges associated with the practice of law. Occasionally, they lose the forest for the trees-for example, the office was preoccupied with amending the Rules to restrict the ability of a disbarred lawyer to work as a paralegal-the effort expended here, was disproportionate to the magnitude of the problem. On balance, however, the office and its staff are knowledgeable, diligent and fair.	Jul 30, 2009 7:54 PM
4	Knowledge of the practice is critical and I have found the ODC will make a special effort to learn the custom and practice of specialized areas and educate the hearing panel about the same. I have seen a number of young lawyers in their office improve with each case and develop into fine lawyers in this area. I have particularly admired the competent and fair way that Jonathan Coughlan and Lori Brown have handled several messy, complex and highly politicized cases before me.	Jul 30, 2009 8:03 PM
5	At times, ODC appeared to "over-charge" or "pile on" with multiple counts.	Jul 30, 2009 8:54 PM
6	The level of competency depended upon counsel who prosecuted the case. All were professional in their actions. However, there were distinct differences in terms of reaching the goals of their prosecution.	Jul 31, 2009 2:14 AM
7	The office is highly professional and very well managed	Jul 31, 2009 6:34 PM
8	In defending both grievances and disciplinary cases, I deal almost exclusively with the Office of Disciplinary Counsel, and I can't say enough good things about Jon Coughlan and the other attorneys who prosecute these cases. They are extremely capable; while they are zealous advocates, they remain fair, reasonable, and easy to work with; and no one could question their impartiality and neutrality. The State couldn't ask for a better representative.	Jul 31, 2009 6:45 PM
9	As noted above, I have really no problem with the Office of Disciplinary Counsel. However, at times their positions advocated and tactics employed leave something to be desired.	Jul 31, 2009 8:08 PM
10	I am satisfied that all these characteristics are demonstrated to the highest degree by the current Office of Disciplinary Counsel.	Aug 1, 2009 6:42 AM
11	See comment above. To a large extent, the Disc. Counsel is carrying the water as directed by the Court.	Aug 1, 2009 11:43 AM
12	If this question is pertains to our current Disciplinary Office my answers are the same. If this pertains to all of the assistant DC, they apply in different degrees depending on the experience and skill level of the individual, but all of them would rate the high "good" to excellent in most of the categories.	Aug 3, 2009 8:26 PM
13	The trend lately has been to prosecute stale cases. This raises serious concerns about the accuracy of witness memories, the availability of documents and the immediacy of the potential for harm to the public. The rules concerning the timing of a disciplinary case should be more strictly enforced and stale cases should be avoided.	Aug 12, 2009 2:24 PM
14	Some Assistant Disciplinary Counsel have more "real world practice experience", so the average rating is a composite of all of the assistants' experience	Aug 13, 2009 8:21 PM

Comment (optional)		
15	<p>many of the ODC attorneys appear not to have actually practiced law and lack an understanding of the practice of law . Although they know the "rules" very well, their frequent lack of understanding prevents them from actually proving by clear and convincing evidence numerous ethical rules which they allege to have been violated by the Respondent. In other words, the panel too often dismisses alleged violations due to inadequate proof by the Relator (ODC staff as well as bar association Relators). In addition, I have served on panels for hearings which should never have taken place. The alleged violations were minimal and should have been resolved earlier by the parties., perhaps through enhanced communication with respondent's counsel. If counsel (including some of the ODC attorneys) worked harder, more stipulated violations could have been offered which would shorten the hearing ., in my opinion. In some instances, I have thought that a "diversion-type" alternative should exists for minimal technical violations in which no one was harmed in any way and in which the attorney did not intend any harm or unethical conduct.</p>	Aug 16, 2009 7:18 PM

Ohio Disciplinary System Survey

In your opinion, how important are the following characteristics of the Certified Grievance Committees?						
	Highly Important	Important	Unimportant	Highly Unimportant	Don't Know/NA	Response Count
Knowledge of the Rules of Professional Conduct	80.4% (41)	19.6% (10)	0.0% (0)	0.0% (0)	0.0% (0)	51
Adequate communication throughout process	78.8% (41)	19.2% (10)	1.9% (1)	0.0% (0)	0.0% (0)	52
Knowledge of procedures under Rule V of the Rules for the Government of the Bar of Ohio	73.1% (38)	25.0% (13)	1.9% (1)	0.0% (0)	0.0% (0)	52
Understanding of case law of professional conduct	65.4% (34)	32.7% (17)	1.9% (1)	0.0% (0)	0.0% (0)	52
Knowledge/understanding of the practice of law	75.0% (39)	23.1% (12)	1.9% (1)	0.0% (0)	0.0% (0)	52
Attention to a prompt, yet thorough resolution	62.7% (32)	35.3% (18)	2.0% (1)	0.0% (0)	0.0% (0)	51
Impartiality	78.4% (40)	21.6% (11)	0.0% (0)	0.0% (0)	0.0% (0)	51
Fairness to respondent	84.3% (43)	15.7% (8)	0.0% (0)	0.0% (0)	0.0% (0)	51
Fairness to grievant	70.6% (36)	23.5% (12)	5.9% (3)	0.0% (0)	0.0% (0)	51
Protection of the public	82.4% (42)	15.7% (8)	2.0% (1)	0.0% (0)	0.0% (0)	51
Comment (optional)						8
answered question						52
skipped question						0

Comment (optional)		
1	There are enormous variations of procedure among the committees. This was a finding of the Bell Commission some years ago, but unnecessary variations remain in my view.	Jul 30, 2009 3:10 PM
2	same comment as re: ODC	Jul 31, 2009 6:34 PM

Comment (optional)		
3	In my view, since it is a certified grievance committee that investigates and considers what, if any, manner of misconduct is to be charged against an attorney in response to a grievance, the investigation ought to be meticulous and the aggrieved attorney should be afforded the benefit of any doubt; a "presumption of innocence," if you will. As such, knowledge of the rules of professional conduct, disciplinary jurisprudence, and perhaps most importantly, knowledge of the practice niche from which the grievance arose is critical.	Jul 31, 2009 8:08 PM
4	All these characteristics are said to be the aspirations of all members of the bar individually and collectively.	Aug 1, 2009 6:42 AM
5	I demand more of the CGCs as to the communication and promptness items because they have an opportunity to "triage" at a local level that can keep the process moving. Resources can then be devoted to the difficult and egregious cases that can take a longer time and may require more attention because of the demands of the parties.	Aug 3, 2009 8:26 PM
6	The volunteer system just doesn't work. The Bell Commission Report should be revisited and updated. We are faced with volunteers who have no experience with the rules, the process or the case law. The cases then become longer, more expensive and result in more protracted and unnecessarily aggressive prosecutions. Let's rethink this system.	Aug 12, 2009 2:24 PM
7	they have undertaken to participate in the attorney disciplinary process. Even though they do so as "volunteers" instead of paid staff like the ODC, the importance of their responsibility to fellow attorneys facing possible suspension or even removal of their right to practice law and possible devastating effect on their and their families' lives, these attorneys should take every aspect of their work as seriously as the ODC staff.	Aug 16, 2009 7:18 PM
8	If the Committees do their job well the public is well-served.	Aug 20, 2009 10:28 AM

Ohio Disciplinary System Survey

How would you rate the following characteristics of the Certified Grievance Committees?						
	Excellent	Good	Average	Poor	Don't Know/NA	Response Count
Knowledge of the Rules of Professional Conduct	17.6% (9)	43.1% (22)	35.3% (18)	2.0% (1)	2.0% (1)	51
Adequate communication throughout process	15.7% (8)	41.2% (21)	35.3% (18)	5.9% (3)	2.0% (1)	51
Knowledge of procedures under Rule V of the Rules for the Government of the Bar of Ohio	23.5% (12)	21.6% (11)	47.1% (24)	5.9% (3)	2.0% (1)	51
Understanding of case law of professional conduct	11.8% (6)	29.4% (15)	49.0% (25)	7.8% (4)	2.0% (1)	51
Knowledge/understanding of the practice of law	25.5% (13)	54.9% (28)	15.7% (8)	2.0% (1)	2.0% (1)	51
Attention to a prompt, yet thorough resolution	17.6% (9)	37.3% (19)	33.3% (17)	7.8% (4)	3.9% (2)	51
Impartiality	17.6% (9)	33.3% (17)	35.3% (18)	9.8% (5)	3.9% (2)	51
Fairness to respondent	22.0% (11)	42.0% (21)	24.0% (12)	8.0% (4)	4.0% (2)	50
Fairness to grievant	25.5% (13)	49.0% (25)	13.7% (7)	3.9% (2)	7.8% (4)	51
Protection of the public	32.0% (16)	38.0% (19)	22.0% (11)	6.0% (3)	2.0% (1)	50
Comment (optional)						14
answered question						51
skipped question						1

Comment (optional)		
1	The cases brought by the certified grievance committees are generally prepared and presented well. The lawyers acting on behalf of the committees often do not have encyclopedic knowledge of the Rules, but they are assisted in this regard by bar counsel, so there is no diminution in their effectiveness. They strive to be fair to the respondent, and are probably better at this than ODC, however, they take their responsibilities seriously, do an good job.	Jul 30, 2009 7:54 PM
2	My experience has been variable - there are committees in cases I would rate as excellent in all categories but others that fall short - in my observations this is generally controlled by 2 factors - the size and resources of the committee and the presence and active involvement of experienced bar counsel.	Jul 30, 2009 8:03 PM

Comment (optional)		
3	Characteristics vary widely among CGC's. Some (like Columbus Bar) are excellent. Others are disappointing.	Jul 30, 2009 8:54 PM
4	quality varies among committees and even within committees	Jul 31, 2009 6:34 PM
5	While overall, certified grievance committees function well, their knowledge of the rules, procedure and their role in the process can be lacking at times; inuring to detriment of the aggrieved attorney.	Jul 31, 2009 8:08 PM
6	One cannot really generalize about the 33 unique committees.	Aug 1, 2009 6:42 AM
7	Experienced trial counsel is an essential characteristic of the CGC. The rating of the individual items may vary with the CGC.	Aug 3, 2009 8:26 PM
8	It varies from committee to committee.	Aug 5, 2009 7:43 PM
9	Varies widely depending on committee	Aug 13, 2009 8:20 PM
10	It depends upon whom the Certified Grievance Committee has appointed to represent it as to the knowledge of the procedures of Gov. Bar R. V. In some instances, respondent's counsel has had to educate opposing counsel on procedural options available.	Aug 13, 2009 8:21 PM
11	Don't know enough about them to rate them as a group	Aug 13, 2009 8:55 PM
12	Please see previous comments. Also, in some cases brought by grievance committees, I have felt that the charges arise from peer influence and pressure more than from any real violations with serious consequences for the public. On the other hand, they may also dismiss cases before they come to hearing. I have no awareness of this situation, of course.	Aug 16, 2009 7:18 PM
13	The various grievance committees vary a great deal in their expertise. Some of them are much better than others.	Aug 18, 2009 3:32 PM
14	The question does not permit a meaningful response. Because there is not just one certified grievance committee, the performance and competency of each committee is different. Thus, any response by me would be incomplete and inaccurate.	Aug 24, 2009 1:41 PM

Ohio Disciplinary System Survey

How would you rate the skill level of Certified Grievance Committee VOLUNTEER COUNSEL in the disciplinary process?						
	Excellent	Good	Average	Poor	Don't Know/NA	Response Count
Thoroughness of investigation	10.0% (5)	48.0% (24)	34.0% (17)	4.0% (2)	4.0% (2)	50
Adequacy and thoroughness of complaint and investigatory report	10.2% (5)	34.7% (17)	40.8% (20)	6.1% (3)	8.2% (4)	49
Presentation of evidence and arguments	10.0% (5)	34.0% (17)	46.0% (23)	4.0% (2)	6.0% (3)	50
Use of stipulations	10.0% (5)	26.0% (13)	44.0% (22)	12.0% (6)	8.0% (4)	50
Ability to present a succinct and focused case	8.0% (4)	36.0% (18)	40.0% (20)	8.0% (4)	8.0% (4)	50
Understanding and experience level of the practice of law	22.0% (11)	58.0% (29)	12.0% (6)	4.0% (2)	4.0% (2)	50
Thoroughness and clarity of recommendations	8.2% (4)	40.8% (20)	40.8% (20)	6.1% (3)	4.1% (2)	49
Comment (optional)						20
answered question						50
skipped question						2

Comment (optional)		
1	Overall, I admire them for their commitment to the process but they come from a vast spectrum of practice backgrounds which will cause issues with various parts to the process. For example, in probable cause I would see abysmally drafted complaints that did not adequately plead an otherwise proper investigation. Then, there may be an adequate complaint but counsel is unfamiliar with the pre-hearing process. (in fairness, I know this because they would have the good sense to ask the procedural questions) Most troubling would be counsel lacking litigation experience who could not take a focused deposition or propound appropriate discovery leading to a hearing that lacked critical evidence. Hearing panel members will step in to question and learn what they can (or to improve the efficiency of the process) but occasionally the most relevant rule violations were not charged or the panel made recommendations while identifying what evidence was not presented. It is very hard to generalize but lack of relevant experience can certainly affect the fairness and quality of the process.	Jul 30, 2009 8:03 PM
2	Skill levels vary widely among volunteer counsel. Some are excellent, knowledgeable, well-prepared and fine trial attorneys (examples: Ron Slipski and Chip Comstock). On the other extreme, some are ill-prepared, short on expertise and lacking in courtroom skills.	Jul 30, 2009 8:54 PM

Comment (optional)		
3	This section is hard to score. My experiences depended upon the skills and experience of the attorneys who presented the case.	Jul 31, 2009 2:14 AM
4	Some are better than others.	Jul 31, 2009 5:59 PM
5	Below the standard set by ODC	Jul 31, 2009 6:34 PM
6	I've had mixed experiences with volunteer counsel, but mostly good. Occasionally--and understandably--issues investigated by volunteer counsel can get short shrift when they will take additional time to evaluate.	Jul 31, 2009 6:45 PM
7	It often seems as if volunteer counsel are overwhelmed, and have the tendency to "underwork" a case, yet remain committed to achieving a finding of sanctionable misconduct. While I do not understand this, I do understand that they are volunteers, after all, and may not have the time or expertise to fully vest themselves in a particular case.	Jul 31, 2009 8:08 PM
8	As with all lawyers, some are very, very good, others less skilled, but nevertheless all are dedicated to their service to the bar and the public. The availability of volunteers and procedures for assigning volunteer counsel and the degree of their participation in investigation and/or trial of grievances varies among committees. The size of the bar is not the determining factor. This inquiry seems assume all volunteer counsel are called upon to perform the same duties, although in reality they are not. This may not be a fair way to assess the work of volunteers with disparate duties and circumstances.	Aug 1, 2009 6:42 AM
9	A high number of grievances involve family law and criminal matters, yet both local grievance committees and the Office of Disc. Counsel seem overloaded with people who have little or no experience in the area.	Aug 1, 2009 11:43 AM
10	Really depends on size of the bar ass. Large bar associations do better job than small bar associations.	Aug 1, 2009 7:54 PM
11	This is an area that varies widely depending on counsel and CGC. The handling of the trial work is easier to evaluate. I have seen excellent all-around volunteer counsel who I would rate as excellent in all aspects of the hearing process. At other times, I find the voluntary counsel is not as familiar with trial practice or the special practice in disciplinary cases as I would have expected. I have rated these items lower only because of the inconsistencies in quality.	Aug 3, 2009 8:26 PM
12	Again, it varies from committee to committee and not always by the size to the committee. Some smaller committees utilize very talented volunteers and some larger committees utilize volunteers that are not very acquainted with the process or the nuts and bolts of presentation of the case.	Aug 5, 2009 7:43 PM
13	All of my cases in the past 5 years involving both Respondent and Relator have been investigated at the local level.	Aug 13, 2009 8:18 PM
14	Varies depending on committee -- big city bars tend to be better	Aug 13, 2009 8:20 PM
15	Not all volunteer counsel from the different Certified Grievance Committees are equal. The ratings are a composite of experiences with various volunteer counsel around the state. NOTE: Respondent's counsel does not receive the "investigatory report", so unable to comment on same.	Aug 13, 2009 8:21 PM
16	Again, I can't rate them as a group. I have seen some do an excellent job, and others seem ill-prepared.	Aug 13, 2009 8:55 PM
17	Sometimes the complaints are sloppily drawn, are unclear and contain technical errors. Sometimes, alleged violations are unsupported by clear and convincing evidence during trial. Sometimes, presentations are not clearly focused and argued & are therefore difficult for the panel to follow. On the other hand, there are some bar volunteer Relators who do an excellent job. In summary, the performance by Bar Relators and staffs is uneven.	Aug 16, 2009 7:18 PM
18	Again, some are much better than others.	Aug 18, 2009 3:32 PM
19	Volunteer Counsel recognizes its unique service and obligations to the Bar, to the attorneys involved and to the public.	Aug 20, 2009 10:28 AM

Comment (optional)		
20	My response is based on an average. some counsel are very good and always prepared. Others are not. My response is my general opinion. If you were to ask about a specific volunteer counsel, and if that counsel had appeared before me, then I could give you a better evaluation.	Aug 24, 2009 1:41 PM

Ohio Disciplinary System Survey

How would you rate the skill level of LOCAL BAR COUNSEL in the disciplinary process?						
	Excellent	Good	Average	Poor	Don't Know/NA	Response Count
Thoroughness of investigation	18.0% (9)	48.0% (24)	26.0% (13)	0.0% (0)	8.0% (4)	50
Adequacy and thoroughness of complaint and investigatory report	16.0% (8)	44.0% (22)	28.0% (14)	2.0% (1)	10.0% (5)	50
Presentation of evidence and arguments	10.0% (5)	48.0% (24)	34.0% (17)	0.0% (0)	8.0% (4)	50
Use of stipulations	16.0% (8)	40.0% (20)	32.0% (16)	4.0% (2)	8.0% (4)	50
Ability to present a succinct and focused case	10.0% (5)	46.0% (23)	34.0% (17)	2.0% (1)	8.0% (4)	50
Understanding and experience level of the practice of law	20.0% (10)	46.0% (23)	24.0% (12)	2.0% (1)	8.0% (4)	50
Thoroughness and clarity of recommendations	16.3% (8)	40.8% (20)	32.7% (16)	2.0% (1)	8.2% (4)	49
Comment (optional)						19
answered question						50
skipped question						2

Comment (optional)		
1	Some bar counsel overcharge violations significantly, and this causes complications in resolution by stipulation or discipline by consent. Not true of ODC.	Jul 30, 2009 3:10 PM
2	the Bar counsel I have the most experience with are Terry Patterson at the CBA and Gene Whetzel at OSBA	Jul 30, 2009 4:48 PM
3	My experience with the large metro bar counsel has been uniformly excellent. (Please note I had no experience with bar counsel in Cleveland Metro area) They are not all litigators but their knowledge of the area and willingness to attend and assist volunteer counsel at hearings has often "saved the day" with inexperienced volunteer counsel. When they have conducted hearings themselves, I found them well-prepared and competent.	Jul 30, 2009 8:03 PM
4	Skill levels of local bar counsel vary widely. Some are excellent. Others are not. A few developed well-deserved reputations of being harsh, unduly aggressive, and short on civility / professionalism.	Jul 30, 2009 8:54 PM
5	My experiences were more with the voluntee attorneys who were the lead counsel.	Jul 31, 2009 2:14 AM
6	Again, some are better than others.	Jul 31, 2009 5:59 PM
7	Bar counsel's input is not always evident	Jul 31, 2009 6:34 PM

Comment (optional)		
8	This response is true generally. Unfortunately, certain bar counsel are completely incompetent and, worse, mean spirited and, quite frankly, stupid	Jul 31, 2009 7:50 PM
9	Some bar counsel do not seem to directly participate in investigation and prosecution of grievances, but act as advisers or perhaps administrators. Most committees are represented in preparation for and the conduct of hearings by local volunteer counsel. Some bar counsel are very good managers as well as investigators. Few are litigators, or try to be. Most have one or more staff investigators, local volunteer lawyer investigators, or borrow professional investigators from the Office of Disciplinary Counsel under current rules and procedures. Again skill and efficiency varies according to the individuals.	Aug 1, 2009 6:42 AM
10	These ratings would probably be a little higher, except that I am rating counsel in the aggregate. There are some very good bar counsel who work very hard to get a result fair to the respondent, grievant and public, and then there are some henchmen, apparently commissioned to get rid of the individual practitioners who do the work that needs to be done but that firm lawyers won't touch--or the clients cannot afford the firm rates.	Aug 1, 2009 11:43 AM
11	I have only rated "good" or "don't know" in these categories only because some variations I have seen in the areas of the process by local Bar Counsel makes it difficult to evaluate and I'm not familiar enough with many of the proceedings prior to a case arriving at the BCGD to evaluate what is meant. Are volunteer counsel more visible?	Aug 3, 2009 8:26 PM
12	It is difficult to answer these questions as Bar Counsel does not perform all of these functions.	Aug 9, 2009 2:31 PM
13	Respondent counsel never sees the investigative report- how can we rate it?	Aug 12, 2009 2:24 PM
14	Dayton does not begin to match Columbus and Cincinnati....hard to generalize among the three.	Aug 13, 2009 8:17 PM
15	Too wide a variation to answer. Some are excellent; some are poor.	Aug 13, 2009 8:20 PM
16	NOTE: In most cases over the past five years, local Bar Counsel has not been counsel of record. The ratings are based upon those cases in which local Bar Counsel was counsel of record.	Aug 13, 2009 8:21 PM
17	See comments under Item 11.	Aug 13, 2009 8:55 PM
18	Based on my prior comments, I rated the above criteria as "average". As I stated, some attorneys are much better than average; some, unfortunately, have been much worse with regard to these criteria.	Aug 16, 2009 7:18 PM
19	Local Bar Counsel takes on a serious responsibility and is very accountable.	Aug 20, 2009 10:28 AM

Ohio Disciplinary System Survey






Ohio has 33 certified grievance committees throughout the state. Please rate your views about this structure.						
	Strongly Agree	Agree	Disagree	Strongly Disagree	Don't Know/NA	Response Count
The current geographic system is effective.	9.6% (5)	55.8% (29)	25.0% (13)	3.8% (2)	5.8% (3)	52
Having the current number of grievance committees increases the chances of fairness and impartiality across the state.	9.6% (5)	30.8% (16)	32.7% (17)	5.8% (3)	21.2% (11)	52
Having the current number of grievance committees decreases the chances of fairness and impartiality across the state.	2.0% (1)	27.5% (14)	37.3% (19)	17.6% (9)	15.7% (8)	51
It is important to have large, medium and small grievance committees throughout the state to represent the many environments where Ohio lawyers practice law.	15.4% (8)	38.5% (20)	40.4% (21)	3.8% (2)	1.9% (1)	52
Regionalization of grievance committees would decrease the efficiency and effectiveness of the process.	13.5% (7)	13.5% (7)	51.9% (27)	3.8% (2)	17.3% (9)	52
Regionalization of grievance committees would increase the efficiency and effectiveness of the process.	5.9% (3)	45.1% (23)	17.6% (9)	11.8% (6)	19.6% (10)	51
Eliminating the grievance committees and centralizing the disciplinary process would make the process worse.	17.3% (9)	34.6% (18)	28.8% (15)	1.9% (1)	17.3% (9)	52
Eliminating the grievance committees and centralizing the disciplinary process would make the process better.	1.9% (1)	26.9% (14)	34.6% (18)	19.2% (10)	17.3% (9)	52
Comment (optional)						17
answered question						52
skipped question						0

Comment (optional)		
1	The notion of a "disciplinary czar" is, in my view, too much power [given the very ample powers accorded the DC by the Rules]. Some diffusion of authority provides a check/balance that has been helpful, especially during the Celebreeze era when the wide and diverse membership of the OSBA Legal Ethics Committee was a bastion against the kind of things that were occurring at ODC and the Board.	Jul 30, 2009 3:10 PM
2	ODC is by far the most experienced, efficient and effective	Jul 30, 2009 4:48 PM
3	The Office of Disciplinary Counsel should not have to police the entire state of Ohio. Moreover, in the event of a conflict of interest, there would be no automatic source to refer the matter to for investigation and/or prosecution, unless the new rule allowed for the Office of Disciplinary Counsel to appoint independent counsel to handle conflicts. However, even this discretionary element would add a layer of administration that would increase the operational costs of the Office of Disciplinary Counsel.	Jul 30, 2009 5:06 PM
4	There is, of necessity, a fair amount of inefficiency in a process that provides as much "due process" as does the grievance system. The fault, if any, lies in the inconsistencies that exist among the grievance committees, depending on the size of the bar they serve. Frankly, the smaller bars, where complaints are rarely, if ever initiated, raise the inference that the smaller committees are not doing their jobs.	Jul 30, 2009 7:54 PM
5	Geographic system: critical benefit outside of metro areas is knowledge of respondent and community. Large and small committees - the size of a committee is not necessarily reflective of the various environments - a large metro committee with lots of big firm lawyers can lack the solo practice perspective. I think the major challenge of the current system is the sheer number of committees with varying support and capabilities. On the other hand, my experience has found that a "local" perspective is valuable. I think the question is how "local" do you need to be? I think there ought to be local involvement at the intake/investigatory stage, a collaboration on prosecution decisions with a more centralized professional group (bar counsel/ODC) and disciplinary complaints and hearing first-chaired or handled by the ODC.	Jul 30, 2009 8:03 PM
6	I would opt for eliminating the committees and centralizing except for fear that ODC under different management or with the substantial increase in caseload might be dangerous or become overly prosecutorial, as reported in some other states	Jul 31, 2009 6:34 PM
7	While I believe eliminating the grievance committees and centralizing the disciplinary process within the Office of Disciplinary Counsel would make the process better, that assumes we maintain an Office of Disciplinary Counsel that is as capable and nonpartisan as the one we have now. If the task force could not envision a way to provide a check and balance in this regard, I would be in favor of maintaining the status quo or regionalizing the committees.	Jul 31, 2009 6:45 PM
8	Like any system, this is completely dependent on the quality of the individuals who fill these positions. For example, the current Disciplinary Counsel does, by and large a very good job; however, certain past Disciplinary Counsel such as Angelo Gagliardo were horrific. Therefore, my opinion is that an excellent job must be done in selecting Disciplinary Counsel, that office's assistants, local bar counsel and volunteer lawyer-members of Certified Grievance Committees.	Jul 31, 2009 7:50 PM
9	Perhaps some committees (large and small) might be permitted to voluntarily opt out of continued independent participation or opt into or merge with localities of similar composition for improved use of resources and in order to allay local fears of the unfairness or lack of understanding by a larger bureaucracy or of favoritism within the local community. Arbitrary dissolution and reassignment as an alternative would most likely be resisted locally, counterproductive, and perceived as lost independence.	Aug 1, 2009 6:42 AM

Comment (optional)		
10	I have not seen any evidence to suggest that changing the system would make it fairer.	Aug 1, 2009 11:43 AM
11	While the professionalism of our current Ohio Disciplinary Counsel is impressive and the prosecution of the cases more thorough, this may be different with future DC. A local grievance committee is still important to retain a local flavor of circumstances of practice. It may be more cost efficient. I also think it is important to retain the volunteer aspect of local grievance committees. Lawyers should have a duty to help maintain the integrity of the system. Service on a local Grievance committee underscores the duty all lawyers have to the profession and the public.	Aug 3, 2009 8:26 PM
12	I don't know the options that are being discussed in terms of how many CGCs would be required under a regional approach; moreover, how timely could regional CGCs be? A feasibility study and/or comparisons to states with a regional approach would be more useful than an opinion survey in deciding this issue.	Aug 13, 2009 8:20 PM
13	Can't answer several of these without details of how it would be done, and levels of support.	Aug 13, 2009 8:20 PM
14	It is important to include practicing lawyers in the disciplinary system process. One suggestion would be to have Certified Grievance Committees conduct investigations and determine probable cause, then have the Office of Disciplinary Counsel prosecute the cases, with the authority to amend, dismiss, or increase the actual charges. Regional Certified Grievance Committees would accomplish this task.	Aug 13, 2009 8:21 PM
15	A regionalized bar grievance process might do better in terms of equalizing the quality of bar grievance committees as Relators. It might elevate both the level of technical knowledge and performance as well as decrease the likelihood of bias. On the other hand, I strongly feel that the ODC staff lack the experiential background in the actual practice of law which characterize volunteer Bar Relators. This is important in alleviating unnecessary and/or even unfair charges against some Respondents.	Aug 16, 2009 7:18 PM
16	I think there should be a role for local bar associations to play; perhaps in the investigation and initial stages because they are familiar with the attorneys in their area. Once a complaint is filed, I tend to think it might be better if Disciplinary Counsel then took over the case for prosecution.	Aug 18, 2009 3:32 PM
17	It is very important for grievances to be reviewed at the local level where the committees and counsel know the parties. The local committees are uniquely capable of understanding the background and the justification of the grievance.	Aug 20, 2009 10:28 AM

Ohio Disciplinary System Survey

Please provide input on the following statement, "The process of evaluating purported misconduct is fair and impartial in Certified Grievance Committees, despite size or geography."






	Response Percent	Response Count
Strongly Agree 	9.6%	5
Agree 	34.6%	18
Neutral 	28.8%	15
Disagree 	21.2%	11
Strongly Disagree 	5.8%	3
Comment (optional)		16
answered question		52
skipped question		0

Comment (optional)		
1	At the local level, there always was and remains the possibility of preferential treatment by a local certified grievance committee. However, my personal experience has been such that local certified grievance committees have gone out of their way to make sure that respondent is treated fairly and no preferential treatment has occurred.	Jul 30, 2009 5:06 PM
2	Having served on a Metro committee, I found the procedure exactly as described in the statement. I can't speak for other committees, however I saw no evidence to the contrary, although I have misgivings about the work of the smaller committees from which complaints rarely, if ever, originate.	Jul 30, 2009 7:54 PM
3	I'm neutral because I have seen evidence otherwise from both small and large committees - any of them can misunderstand (giving the benefit of the doubt) or be swayed by factors that are not relevant to the violations charged and the evidence they gather.	Jul 30, 2009 8:03 PM
4	There is no way of knowing how many complaints are not pursued for whatever reason.	Jul 31, 2009 5:59 PM
5	Some committees still pursue investigations that appear more about protecting the members' business interests than the public	Jul 31, 2009 6:34 PM
6	Disclaimer: My experience is limited to large city CGCs, the OSBA, and the Office of Disciplinary Counsel. I've never worked with a small or mid-sized CGC.	Jul 31, 2009 6:45 PM
7	This answer is completely dependant on the quality of the individuals involved in the process. My experience has run the gamut from excellent ,dedicated,fair individuals to those who, in all candor, should never be permitted to exercise the power that accompanies being a part of the attorney disciplinary system. This observation applies to the issues covered throughout this survey and would appreciate your utilizing these views as you review my entire set of responses.	Jul 31, 2009 7:50 PM
8	In many years experience, I have never seen or heard any evidence that any committee's evaluation of misconduct was not wholly fair and impartial.	Aug 1, 2009 6:42 AM

Comment (optional)		
9	This statement is too general to have any meaning, except what strikes me as an obvious intended result. I have seen cases where local committees were fair to all, and cases where they were not, and the same is true of ODC. I see little about size or geography that affects this.	Aug 1, 2009 11:43 AM
10	Perhaps a local committee could be at times acting, consciously or unconsciously, to protect some lawyers or judges or be more harsh to others (criminal defense bar/prosecutor; big firm/small firm etc.), but they are not the end of the line.	Aug 3, 2009 8:26 PM
11	There needs to be a balance in terms of impartiality and expediency...knowing the participants can ease comfort levels in working that facilitates expediency; again, looking at other states would be helpful. Some type of consolidation would I think help with standardization, fair and expedient processing of grievances.	Aug 13, 2009 8:20 PM
12	Some are very fair; some very unfair.	Aug 13, 2009 8:20 PM
13	There seem to be differences in when a Certified Grievance Committee exercises its discretion whether to prosecute, but that alone does not translate to the Committee being unfair or partial. Sometimes, it is the Committee's position that the Board decides whether the case is proven, not the Committee.	Aug 13, 2009 8:21 PM
14	Please see previous comment.	Aug 16, 2009 7:18 PM
15	There may be exceptions, but most individuals serving on these committees take the responsibility to the all the parties involved including the public very seriously.	Aug 20, 2009 10:28 AM
16	We only see the cases which are submitted to the probable cause committee and certified by the committee. We do not see cases where the local Certified Grievance Committees decides to dismiss the grievance and how fairly the rules are applied.	Aug 24, 2009 1:41 PM

Ohio Disciplinary System Survey

Please provide input on the following statement, "The internal operations of Certified Grievance Committees are fair and impartial, despite size or geography."

	Response Percent	Response Count
Strongly Agree 	7.8%	4
Agree 	35.3%	18
Neutral 	37.3%	19
Disagree 	15.7%	8
Strongly Disagree 	3.9%	2
Comment (optional)		15
answered question		51
skipped question		1

Comment (optional)		
1	See Comment to No. 14 above - perception at times of impartiality.	Jul 30, 2009 5:06 PM
2	Same comment.	Jul 30, 2009 7:54 PM
3	My contact with internal operations is only seeing partial meeting notes in some investigatory files - I can only judge by results as commented in #14.	Jul 30, 2009 8:03 PM
4	The committees vary, but not necessarily in relation to size or geography	Jul 31, 2009 6:34 PM
5	See disclaimer above.	Jul 31, 2009 6:45 PM
6	All certified committees are composed of honest lawyers dedicated to improvement of the profession as a whole. Each committee is unique and should be judged accordingly, regardless of the size of the supporting bar association or its geographic location. I believe the specter of local bar prejudice for or against one lawyer or another or one group of lawyers or another, or lawyers against the aggrieved client is a myth. During my lengthy personal experience on a certified grievance committee in past years I observed only scrupulous adherence to the principals of fairness and impartiality by the individual members and the body as a whole. I believe that experience would be repeated in all the certified committees.	Aug 1, 2009 6:42 AM
7	Same comment as 14.	Aug 1, 2009 11:43 AM
8	I don't have any knowledge of this.	Aug 3, 2009 8:26 PM
9	I do not know the "internal operations," but have no reason to believe that fairness and impartiality in the process is jeopardized	Aug 4, 2009 2:18 PM
10	I know nothing about the internal operations of the committees.	Aug 7, 2009 3:54 PM
11	Problems are not necessarily related to size or geography.	Aug 13, 2009 8:17 PM
12	Size and geography do influence issues, politics, and finances to expedite process.	Aug 13, 2009 8:20 PM
13	Since I am no longer part of the internal operations of a Certified Grievance Committee, I am unable to comment.	Aug 13, 2009 8:21 PM

Comment (optional)		
14	Never having served on such a committee I have no opinion.	Aug 16, 2009 7:18 PM
15	Exceptions to the above statement would quickly be revealed by one side or the other or at another level. The grievance procedure is good due process.	Aug 20, 2009 10:28 AM

Ohio Disciplinary System Survey

How would you rate your satisfaction with the Large Certified Grievance Committees? (Akron, Cincinnati, Cleveland, Cuyahoga County, Columbus, Dayton, Toledo, and OSBA)						
	High	Medium	Low	Don't Know/NA	Rating Average	Response Count
Fairness	51.0% (25)	34.7% (17)	8.2% (4)	6.1% (3)	1.54	49
Efficiency	34.7% (17)	53.1% (26)	4.1% (2)	8.2% (4)	1.67	49
Effectiveness	44.9% (22)	46.9% (23)	4.1% (2)	4.1% (2)	1.57	49
Impartiality	46.9% (23)	42.9% (21)	6.1% (3)	4.1% (2)	1.57	49
Preparedness	38.8% (19)	57.1% (28)	2.0% (1)	2.0% (1)	1.63	49
Professionalism	61.2% (30)	32.7% (16)	4.1% (2)	2.0% (1)	1.42	49
Experience level	34.7% (17)	49.0% (24)	8.2% (4)	8.2% (4)	1.71	49
Knowledge of the disciplinary process	38.8% (19)	51.0% (25)	6.1% (3)	4.1% (2)	1.66	49
Knowledge and understanding of the challenges presented in the day to day practice of law (e.g. time constraints, difficult clients, etc.)	51.0% (25)	38.8% (19)	8.2% (4)	2.0% (1)	1.56	49
Comment (optional)						16
answered question						49
skipped question						3

Comment (optional)		
1	With one exception (Cuyahoga, which has since merged with Cleveland) I thought the Metros (and I have experience with each of them) did an excellent job.	Jul 30, 2009 7:54 PM
2	Impossible to answer this general question for all :with some I have no experience, for others the ratings would vary depending upon the area.	Jul 30, 2009 8:03 PM
3	My scores would be different for individual large CGCs. For example, lower scores would go to Akron, Cuyahoga County and Dayton based on my direct experience.	Jul 30, 2009 8:54 PM
4	There appeared to be somewhat of a disconnect between the committee and the respondents. Usually the relator's counsel was from a large firm and many times the respondent was a solo practioner.	Jul 31, 2009 2:14 AM
5	cannot generalize because the quality is dependent upon the individual attorneys involved	Jul 31, 2009 3:35 PM
6	Quality of volunteer lawyers varies, as does the quality of bar counsel	Jul 31, 2009 6:34 PM

Comment (optional)		
7	The effectiveness and efficiency of the certified committees does not depend on size - some large committees have been and are less effective and efficient than some medium or small committees. These large committees as well as the smaller ones must be assessed individually. Of the eight named above, a few are terrible, others adequate, and about half are very good in the characteristics of this inquiry.	Aug 1, 2009 6:42 AM
8	Again, this may vary with the individuals who are involved with a particular case. I see as some of the problems arising from the busy schedules of volunteer attorneys or lack of perception about the amount of case preparation appropriate in the grievance process.	Aug 3, 2009 8:26 PM
9	Misleading questions- are we asked for our impressions of bar counsel, the volunteers or the system as a whole? There is a very important difference between bar counsel and the volunteers who actually do the litigation.	Aug 12, 2009 2:24 PM
10	again, hard to generalize...OSBA Columbus and Cincinnati appear to function optimally, but not Dayton....	Aug 13, 2009 8:17 PM
11	On the whole, good. But lumping these together (municipalities and OSBA) makes no sense to me.	Aug 13, 2009 8:20 PM
12	Again a variation, but not as varied as between large and small.	Aug 13, 2009 8:20 PM
13	The rating is a composite rating averaging all Committees together.	Aug 13, 2009 8:21 PM
14	I think that for the most part, the large cities do a good job.	Aug 16, 2009 7:18 PM
15	Cincinnati - Toledo - Low	Aug 21, 2009 12:50 PM
16	My response is an average and does not include Dayton because I do not get involved with any cases from my district, and Dayton is in my district. Also, I would grade Cuyahoga County lower than the other committees.	Aug 24, 2009 1:41 PM

Ohio Disciplinary System Survey

How would you rate your satisfaction with the Medium Certified Grievance Committees? (Butler, Lake, Lorain, Mahoning, Stark, Medina and Trumbull Counties)						
	High	Medium	Low	Don't Know/NA	Rating Average	Response Count
Fairness	27.7% (13)	44.7% (21)	6.4% (3)	21.3% (10)	1.73	47
Efficiency	25.5% (12)	48.9% (23)	4.3% (2)	21.3% (10)	1.73	47
Effectiveness	21.3% (10)	53.2% (25)	6.4% (3)	19.1% (9)	1.82	47
Impartiality	29.8% (14)	36.2% (17)	10.6% (5)	23.4% (11)	1.75	47
Preparedness	34.0% (16)	48.9% (23)	0.0% (0)	17.0% (8)	1.59	47
Professionalism	38.3% (18)	44.7% (21)	0.0% (0)	17.0% (8)	1.54	47
Experience level	21.3% (10)	55.3% (26)	4.3% (2)	19.1% (9)	1.79	47
Knowledge of the disciplinary process	25.5% (12)	51.1% (24)	6.4% (3)	17.0% (8)	1.77	47
Knowledge and understanding of the challenges presented in the day to day practice of law (e.g. time constraints, difficult clients, etc.)	37.8% (17)	40.0% (18)	2.2% (1)	20.0% (9)	1.56	45
Comment (optional)						11
answered question						47
skipped question						5

Comment (optional)		
1	I have much less experience with these - overall I rate the larger committees higher.	Jul 30, 2009 4:48 PM
2	My experience with the medium sized bars, although I did not deal with each of them, was very good.	Jul 30, 2009 7:54 PM
3	See comment at #16	Jul 30, 2009 8:03 PM
4	See answer to 16	Jul 31, 2009 3:35 PM
5	For the most part, all the named committees work seriously to meet the highest standards in the categories under inquiry. Again, one cannot generalize about quality based only on the size of the participants to be compared.	Aug 1, 2009 6:42 AM

Comment (optional)		
6	You stack the OPDC or a local committee with lawyers who deal with bankers and businessmen, and they are outraged at a lawyer who doesn't return 7 calls from the defendant's mother all made in the same day, all wondering why bail can't be reduced in a court appointed case from \$1 million. That question can be answered only once. These guys on the committee who do not deal with that type of client cannot relate to those type of complaints. The disciplinary system in Ohio is directed to weed out individual practitioners. Everyone who reads the cases knows that. It does not matter if it is done through certified grievance committees or the ODC. You almost never see a disciplinary case from a lawyer in Jones Day, Baker Hostetler, Squire Sanders or Vorys Sater. No one believes that there are no disciplinary violations going on in those firms.	Aug 1, 2009 11:43 AM
7	See above comment	Aug 3, 2009 8:26 PM
8	In general, the smaller municipalities have fewer resources and can be less standardized in all of the above. A relative ranking (acknowledging that some municipalities are better than others despite size) would be, from best to less would be large, medium, small.	Aug 13, 2009 8:20 PM
9	It might be fairer to answer "don't know" for the collective, since experiences with a couple skew the results.	Aug 13, 2009 8:20 PM
10	Again, depending upon who on the various Committees is assigned, the rating categories fluctuate. Therefore, the ratings are a composite of all of the Committees.	Aug 13, 2009 8:21 PM
11	You did not ask about preparation of pleadings—complaints, briefs, etc. as well as oral presentations at hearing. They are sometimes deficient in quality and seem to reflect lack of attention to detail, organization and prioritization of issues. I also feel that if more time were expended prior to hearing, more stipulations could be effectuated. also, some of the medium bars are better than others. There is no place to differentiate among them in the listing above.	Aug 16, 2009 7:18 PM



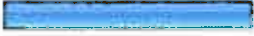







Ohio Disciplinary System Survey

How would you rate your satisfaction with the Small Certified Grievance Committees?						
	High	Medium	Low	Don't Know/NA	Rating Average	Response Count
Fairness	14.6% (7)	31.3% (15)	6.3% (3)	47.9% (23)	1.84	48
Efficiency	6.3% (3)	39.6% (19)	6.3% (3)	47.9% (23)	2.00	48
Effectiveness	14.6% (7)	29.2% (14)	6.3% (3)	50.0% (24)	1.83	48
Impartiality	16.7% (8)	29.2% (14)	6.3% (3)	47.9% (23)	1.80	48
Preparedness	8.3% (4)	43.8% (21)	2.1% (1)	45.8% (22)	1.88	48
Professionalism	20.8% (10)	31.3% (15)	2.1% (1)	45.8% (22)	1.65	48
Experience level	8.3% (4)	37.5% (18)	6.3% (3)	47.9% (23)	1.96	48
Knowledge of the disciplinary process	8.5% (4)	34.0% (16)	10.6% (5)	46.8% (22)	2.04	47
Knowledge and understanding of the challenges presented in the day to day practice of law (e.g. time constraints, difficult clients, etc.)	25.0% (12)	25.0% (12)	4.2% (2)	45.8% (22)	1.62	48
Comment (optional)						11
answered question						48
skipped question						4

Comment (optional)		
1	Distinguishing among 33 large, medium, and small committees is something I cannot do effectively. I look at it across the board.	Jul 30, 2009 3:10 PM
2	I rarely had cases involving the smaller bar associations and have no independent recollection of any that would give me the basis for responding other than "don't know."	Jul 30, 2009 7:54 PM
3	See comment At #16	Jul 30, 2009 8:03 PM
4	I do not recall specific experiences with cases from "Small" CGC's.	Jul 30, 2009 8:54 PM
5	See answer to 16	Jul 31, 2009 3:35 PM
6	my experience with small committees is too limited for me to form an opinion	Jul 31, 2009 6:34 PM
7	Some small committees apparently have little business, but handle it exceptionally well when confronted with necessity, others might wish to avoid involvement if the choice be given them, but nevertheless go forward diligently when duty calls.	Aug 1, 2009 6:42 AM
8	See response to 18.	Aug 13, 2009 8:20 PM
9	Less recent experience with these	Aug 13, 2009 8:20 PM

Comment (optional)		
10	Again, the ratings are a composite of all Committees in this category.	Aug 13, 2009 8:21 PM
11	I don't recall any hearings with the small bar associations.	Aug 16, 2009 7:18 PM

Ohio Disciplinary System Survey

What recommendations do you have regarding the disciplinary process? (choose up to three responses)		
	Response Percent	Response Count
Implement procedures to allow for more prompt resolution of cases 	43.1%	22
Increase skill level of Certified Grievance Committees 	49.0%	25
Retain current role of Certified Grievance Committees and Office of Disciplinary Counsel 	39.2%	20
Change roles of Certified Grievance Committees and Office of Disciplinary Counsel to provide more centralization of the disciplinary process 	17.6%	9
Regionalize Certified Grievance Committees 	27.5%	14
Eliminate the Certified Grievance Committees and centralize the function in the Office of Disciplinary Counsel 	7.8%	4
Enhance communication efforts throughout the process 	41.2%	21
Improve the process before the Board 	31.4%	16
Improve the process before the Court 	17.6%	9
Other 	29.4%	15
answered question		51
skipped question		1

Other		
1	The greatest aspect of certified grievance committees is the knowlege their members have of the day-to-day practice. Disciplinary Counsel sometimes lacks that. Overall, the system would be better off if it is centralized.	Jul 30, 2009 2:48 PM

Other		
2	the Judicial Code needs to have sanctions that include removal from the bench without impacting the ability to practice law. Some lawyers are not cut out to be judges and the only way to get them off the bench at present it to suspend them from the practice of law. This should be changed.	Jul 30, 2009 4:48 PM
3	Local involvement in the grievance process is critical, in my view, to its credibility among the profession. Currently, with all lawyers vouched into the process through the local bar associations, the appearance and the reality is that the profession competently polices itself, while at the same time protecting practitioners from unfounded complaints. Consigning the process to a centralized authority would (needlessly, in my view) divorce the great majority of practitioners from the grievance process, polarize them, and make the system more adversarial, without achieving any meaningful improvement either in process or outcome. To the extent that there are concerns about smaller bar associations, they can be addressed through the grievance committee certification process, and/or by expanding the activity of the OSBA certified committee, which has members from all over the state.	Jul 30, 2009 7:54 PM
4	See comments above at #13 - I think a local role needs to be preserved but it should feed into a more centralized process that provides experienced support once a complaint is being pursued.	Jul 30, 2009 8:03 PM
5	retain committees and ODC, and give ODC more supervisory authority to assure uniform standards for prosecution, and a larger role in training committee volunteers, and the budget to do so	Jul 31, 2009 6:34 PM
6	There are two places where I've seen potential for improvement in the system: (1) the available penalties should include the removal of a judge from office that retains his or her ability to immediately resume the practice of law. (A mechanism currently exists in this vein, but it's not similarly situated to the other penalties; I'd like to see it included among all the options available to the Board when selecting a penalty.) All too often, allegations against judges relate exclusively to their inability to effectively function as a judge, but nothing about the allegations reflect poorly on their role as an attorney. If one of the available options beyond reprimand and suspension included removal, it would improve the process. (2) While a probable cause panel must certify a complaint before it is filed, that complaint may be amended to add entirely new counts without the probable cause panel evaluating the new claim(s). This seems to lack a due process component that exists for the original claims.	Jul 31, 2009 6:45 PM
7	Very simply be certain that excellent,fair,experienced people are the ones involved in the process. If this is done, it doesn't matter what size the organization is, whether it is centralized or locally based or the process utilized.	Jul 31, 2009 7:50 PM
8	See Comment to 17.	Aug 1, 2009 11:43 AM
9	Disciplinary counsel offers help in investigations and other areas to local grievance committees. I would like to see the local Bar Counsel and Disciplinary Counsel find ways to address together more specific training for local committees. Also, sometimes an educational component to the disciplinary process or "treatment in lieu" aspect if no clients have been harmed, designed to rehabilitate and educate a lawyer without having a disciplinary finding on his or her record.and participate in more practical CLEs. For example how to manage IOLTA accounts is being addressed by DC now. If left to the whims of calendar and pocket, practitioners are receiving CLE's (ethics and general) with no real practical relationship to their particular circumstances. Some may need more than that.	Aug 3, 2009 8:26 PM
10	Rethink the process for submitting cases to the Probable Cause panels. If the respondents were allowed more input at that stage, cases/issues could be eliminated or streamlined and the process would run more efficiently. The all or none system combined with no respondent participation is cumbersome and outdated.	Aug 12, 2009 2:24 PM

Other		
11	I feel handling everything through one office would be cumbersome. There is a tradeoff in comfort level, accessibility, etc. that needs to be considered along with the seeming expediency/efficiency/expertise of a single office, as good as it is.	Aug 13, 2009 8:20 PM
12	There needs to be an effective process for investigating serious, especially criminal, matters.	Aug 13, 2009 8:20 PM
13	I would also implement procedures for more prompt resolution of cases. Many times the investigation process takes over 1 year. From the Respondent's perspective, having the matter "hang over" their head for a year or more before a decision is made whether to prosecute is very stressful.	Aug 13, 2009 8:21 PM
14	The grievance/disciplinary is a good process. Good preparation and thoughtfulness produces well-considered decisions. The current Supreme Court seems to be overriding many decisions of the Board, which in my experience seems inappropriate.	Aug 20, 2009 10:28 AM
15	When new members come on the board, there is an assumption that they understand how to ask questions as a panel member. Some do, but some do not. Because a panel member is acting as a judge, we should consider some form of "New Judge Training" for Board member when acting as a panel member.	Aug 24, 2009 1:41 PM

Ohio Disciplinary System Survey

Please rate your satisfaction with each part of the disciplinary process.					
	High	Medium	Low	Don't Know/NA	Response Count
Reporting grievances	47.1% (24)	35.3% (18)	2.0% (1)	15.7% (8)	51
Certified Grievance Committee investigations	17.3% (9)	67.3% (35)	9.6% (5)	5.8% (3)	52
Office of Disciplinary Counsel investigations	71.2% (37)	25.0% (13)	0.0% (0)	3.8% (2)	52
Certified Grievance Committee presentations	25.0% (13)	61.5% (32)	9.6% (5)	3.8% (2)	52
Office of Disciplinary Counsel presentations	73.1% (38)	23.1% (12)	0.0% (0)	3.8% (2)	52
Determining probable cause	44.2% (23)	40.4% (21)	13.5% (7)	1.9% (1)	52
Hearings before the Board	76.9% (40)	21.2% (11)	1.9% (1)	0.0% (0)	52
Presentations before the Court	48.1% (25)	23.1% (12)	0.0% (0)	28.8% (15)	52
Outcome reporting	62.0% (31)	28.0% (14)	2.0% (1)	8.0% (4)	50
				Explain:	21
	answered question				52
	skipped question				0

Explain:		
1	The best part of the system is the carefulness and professionalism of the board office and most board members. They get most cases right. The Court should give more deference to Board determinations.	Jul 30, 2009 2:48 PM
2	From beginning to end, time consumed is an overarching issue. If it is true that many disciplinary tracks take 2+ years, that is simply too long. It makes a painful process even more and unnecessarily difficult.	Jul 30, 2009 3:10 PM
3	Generally speaking, I believe Ohio can take considerable pride in its system. It could be more efficient and speedier, and one alternative might be to eliminate the Probable Cause Panels, and beef up the manner in which default cases are heard and determined. It might also be possible to adopt a standardized pre-hearing order to deal with discovery and other pre-hearing issues, and allow disputes in those areas to be determined by the Board Secretary or by a Master Commissioner (on the other hand, there is some value to having those who will hear the case on its merits be involved in the pre-hearing matters).	Jul 30, 2009 7:54 PM

Explain:		
4	It would be difficult to speed up the process as long as the hearings are conducted by volunteers. The Supreme Court should be able to render final judgments shortly after receiving the Board's recommendation.	Jul 31, 2009 5:59 PM
5	Presentations before the court vary widely	Jul 31, 2009 6:34 PM
6	See comment 2, above. Also, I've been particularly pleased with the manner in which outcomes have been reported. In addition to sending our office a copy of the outcome, Jonathan Marshall has personally contacted us with a result so that we may inform our clients before the media reports it. This is not something he is required to do, but it demonstrates a sensitivity about the process that I've always appreciated.	Jul 31, 2009 6:45 PM
7	Once again,perhaps because I have been involved in a number of capacities in the attorney disciplinary system for over thirty years, these observations are averages. I have been favorably impressed and horribly disappointed by all aspects and bodies involved in the process in individual cases throughout my career.	Jul 31, 2009 7:50 PM
8	As noted above, and in my experience as only serving as respondent's counsel, the Office of Disciplinary Counsel, most of the large certified grievance committees and the Board of Commissioners on Grievances and Discipline operate well and/or adequately depending on the level of knowledge and expertise. However, it is troubling to me that probable cause findings, and the proceedings from which they emanate seem to function as little more than "rubber stamp" committees, sometimes disregarding the stakes involved in disciplinary cases. They have the ability, if not obligation, to "separate the wheat from the chaff" and streamline the process. Sadly, it seems as if in many instances, they prefer to let the process "play out," and subject aggrieved attorneys to needless expense and aggravation.	Jul 31, 2009 8:08 PM
9	The disciplinary system works as well or better and faster than the rest of the justice system, or so it seems. The skill and preparation of most counsel appearing in disciplinary hearings is as good or better than found in most trial courts.	Aug 1, 2009 6:42 AM
10	These answers reflect the aggregate of above answers and comments. There are some very good people at ODC and some not so good. Ditto for the local committees. The probable cause determination appears to be a rubber stamp. Also, I fail to understand why it is fair to add counts to a complaint after p/c is determined without presentation of the additional counts to a panel, although that may be a formality. I say the panel determinations seem rubber stamp because I have no experience where a panel did not find probable cause.	Aug 1, 2009 11:43 AM
11	Disciplinary Counsel presentations in almost all instances provide high satisfaction. Because of different skill level, preparedness and experience, this is not always the case with local grievance committees. I find all relator counsel to be of high character and sincerity.	Aug 3, 2009 8:26 PM
12	Most of my answers are "medium" or similar as to observations of disciplinary counsel or certified committees as these are averages. Some do a better job than others; some are worse. I do not think that general type questions are designed to address the differences.	Aug 5, 2009 5:57 PM
13	On the whole, because of its use of attorneys who are solely engaged in the prosecution of disciplinary matters and its budget, Disciplinary Counsel would be expected to score higher than the Certified Committees. However, it is important to have volunteer attorneys involved in the system. Through the Board and the Court, fairness to respondents and protection of the public is usually achieved.	Aug 5, 2009 7:43 PM
14	The hearing panels have on more than one occasion demonstrated an overriding interest in expediting, which I judge to be a result of the time demands placed upon these members of the BCGD. Relieving the panels the duty to conduct fact finding hearings is something we should consider.	Aug 13, 2009 8:17 PM




Explain:		
15	The ODC is extremely diligent, professional and well-versed in the rules and process. Participants from CGCs and bar counsel are not as well versed. Consolidation in some fashion through regionalization would be helpful. A certain degree of accessibility is afforded by a regional approach that would be lost unwisely, I feel, if a centralized approach were implemented.	Aug 13, 2009 8:20 PM
16	Again, a wide variation, but on average, medium to high.	Aug 13, 2009 8:20 PM
17	No system is perfect. Overall, the rating is average for all parts of the system.	Aug 13, 2009 8:21 PM
18	"Outcome reporting?"	Aug 16, 2009 7:18 PM
19	I believe there is room for improvement in connection with handling the investigation of grievances by communication with respondent throughout the process. Many times an understanding of the nuances of practice in a particular substantive area is lacking. That which is presented to the probable cause panel should be completely available to the respondent if probable cause is found.	Aug 18, 2009 2:30 PM
20	As a former member of the Board I never saw a presentation before the Court. I don't recall having that opportunity.	Aug 20, 2009 10:28 AM
21	My observation is that the Office of Disciplinary Counsel has a better quality control than the several Certified Grievance Committees. This difference is to be expected.	Aug 24, 2009 1:41 PM

Ohio Disciplinary System Survey

Please offer any additional comments about your responses in the previous question (optional).		
		Response Count
		3
	answered question	3
	skipped question	49

Response Text		
1	For the most part, regardless of size or location of certified committees, their work is professional. The office of disciplinary counsel always meets high standards of preparation and professional skill. I suspect the success rates at trial of the committees and ODC are about equal.	Aug 1, 2009 6:42 AM
2	A more aggressive approach to discovery and pleading practice would allow preemption of need for probable cause panels. Surely we need to make sure that the CGC's operate at minimal levels so as to make the use of PC panels unnecessary. Perhaps allowing the filing of the complaint, initial pleading practice, then trial scheduling, before making the matter public, would constitute a better system. It would encourage more filings which ought to better protect the public, while protecting lawyers from the publicity of frivolous complaints. How can the PC panels judge this when their role is to do little more than make sure minimally adequate pleadings are filed?	Aug 13, 2009 8:17 PM
3	The Board and the Committees work very hard to produce a just result, as do the Disciplinary Counsel and the Secretary and Staff of the Board. The public and the Bar in Ohio are well-served by a very professional review of grievances.	Aug 20, 2009 10:28 AM




Ohio Disciplinary System Survey

Which statement best reflects your views about the fairness of the disciplinary process?		
	Response Percent	Response Count
The process goes too far to protect respondents. 	2.0%	1
The disciplinary process, for the most part, is fair and impartial to respondents. 	84.0%	42
The process goes too far to punish respondents. 	14.0%	7
Comment (optional)		12
answered question		50
skipped question		2

Comment (optional)		
1	The Court should give more deference to Board determinations.	Jul 30, 2009 2:48 PM
2	However, I believe that bar counsel, certified grievance committee members, the Office of Disciplinary Counsel, the Board members of the Board of Commissioners and the Supreme Court are oftentimes too cavalier in the attitude that they have regarding the effect of their actions. We should always keep in mind the that the individual grievant is unimportant, The protection of the public is paramount. I also believe the too often political considerations, which, in my view have no place in the attorney disciplinary system, inappropriately govern the decision-making process.	Jul 31, 2009 7:50 PM
3	Simply put, the process is quasi-criminal in nature, and as stated above, many entities involved in the process adopt a prosecutorial approach to handling grievances. It is quasi criminal because of the stakes involved, i.e., the potential deprivation, if not termination of a vested right (a license to practice law) which could have a devastating effect upon a person's ability to make a living. Moreover, it is reprehensible that grievants are not obligated to participate in the process; it should be mandated that if the Office of Disciplinary Counsel (or a certified grievance committee) cannot secure the attendance of a grievant for purposes of cross-examination by respondent or respondent's counsel (whether in deposition or at trial) the grievance is amenable to dismissal with prejudice. That procedural defect not only operates to the detriment of respondents but also can place upon Disciplinary Counsel and/or certified grievance committees an unreasonable burden to prove a case on less-than-adequate evidence.	Jul 31, 2009 8:08 PM
4	A considerable body of law has been and is continually being developed by the Supreme Court defining misconduct and respecting the sanctions to be imposed for the varying kinds and degrees of misconduct found. The findings of misconduct are themselves subject to Supreme Court review. Since the Ohio disciplinary system created and administered by the Supreme Court is patterned after the Ohio judicial system as a whole, due process (fairness) is assured.	Aug 1, 2009 6:42 AM

Comment (optional)		
5	We have opinion after opinion that says that the main purpose is to protect the public. But the cases brought and discipline imposed often belie that fact. A person who wouldn't stand a chance (summary judgment, directed verdict or jury verdict) in a malpractice case can get a lawyer disciplined. There appears to be no realization that individual practitioners carry the water on the ugly cases by people who have little or no money but need access to the courts—which our Ohio Constitution promises. The businesses who hire the big firms have no trouble getting lawyers. It's the rest of the people, who can't afford to be billed for a partner, and associate and a paralegal looking at the same piece of paper, who need lawyers. There seems to be little or no realization that it is an entirely different way of practicing law. It's one thing to protect the public from cheats and thieves. It's another to be disciplining lawyers who take cases where the client needs a lawyer but doesn't have much of a chance in court—and then when it all goes wrong the client blames the lawyer.	Aug 1, 2009 11:43 AM
6	The probably cause part of the process does not seemed designed to give the panel an objective view of the case, rather it is weighted toward the prosecutors - so alot bad cases and claims are certified. Greater participation by respondents at this stage would make the process more efficient.	Aug 12, 2009 2:24 PM
7	While I feel it is fair and impartial for the most part, the disciplinary process can be streamlined and improved to obtain still better results.	Aug 13, 2009 8:20 PM
8	This is mostly because of the Board of Commissioners. There is wide variation in fairness prior to reaching the Board.	Aug 13, 2009 8:20 PM
9	Depending upon the individual case, the answer is either that the system is fair and impartial to respondents, or the process goes too far to punish respondents. It seems sometimes that what is sufficient mitigation in one case is not sufficient mitigation in other cases. This is very frustrating to respondents, because it affects the sanction to be imposed on that respondent.	Aug 13, 2009 8:21 PM
10	For the most part, I would say that the process is fair and impartial to respondents. HOWEVER, I have seen instances in which the grievance should NOT have gone to hearing. To subject an individual to this process and then have the panel DISMISS charges is not fair to the Respondent and abuses the process.	Aug 16, 2009 7:18 PM
11	I believe that every once and a while punishment is too harsh and disproportionately applied to the smaller practitioner than to one associated with a larger firm.	Aug 18, 2009 2:30 PM
12	All professions should have such a fine process fro reviewing issues and problems of their members.	Aug 20, 2009 10:28 AM

Ohio Disciplinary System Survey

Which statement best reflects your opinion related to the time devoted to cases?		
	Response Percent	Response Count
Cases are rushed through too quickly, not giving adequate time to resolve cases fairly. 	3.9%	2
The process devotes the appropriate length of time to adequately review a case thoroughly to a logical resolution/prosecution. 	68.6%	35
The process takes too long, resulting in unnecessary delays. 	27.5%	14
Comment (optional)		10
answered question		51
skipped question		1

Comment (optional)		
1	Some investigations go far too long. The board and court take an appropriate amount of time to resolve their proceedings.	Jul 30, 2009 2:48 PM
2	See # 20.	Jul 30, 2009 3:10 PM
3	This relates to the investigation stage - it seems that often cases getting to hearing are 1-1/2 to 3 years old.	Jul 30, 2009 8:03 PM
4	With volunteer lawyers at all levels, including on the Board, some delay is inevitable. However, some delay (rather than undue delay) is acceptable in order to reap the benefits of having volunteer lawyers involved in the system. In assessing lawyer conduct and protecting the public from the "bad apples" in our profession, it is important to involve lawyers who have real-life experience in the practice of law and in representing clients. The "speed" of the process can be improved to reduce unreasonable delays, but "speed" should not be the paramount goal.	Jul 30, 2009 8:54 PM
5	However, some local Certified Grievance Committees make decisions to commence formal proceedings without adequate or, in some cases, any real investigation or allowing the attorney-target to personally meet with a committee representative.	Jul 31, 2009 7:50 PM
6	One cannot abridge the process that is due each party to a grievance. Respondents do not fit a mold or pattern of admission, denial, or defense of allegations of misconduct. There are many non jurisdictional time limits already in the procedural rules that serve as guidelines for the entities involved. These rules are non jurisdictional in large part to protect the public from release of a suspected wrongdoing lawyer without adjudication or sanction if merited. Obviously, more restrictive limits would effect nothing.	Aug 1, 2009 6:42 AM

Comment (optional)		
7	I do feel that differing degrees of understanding of the system results in delays and inefficiencies. Respondents who don't hire counsel are the worst offenders.	Aug 13, 2009 8:20 PM
8	The comment applies only to grievances that become cases. Adequate investigation of all grievances, given the ease of filing a grievance, is impossible.	Aug 13, 2009 8:20 PM
9	The time for Consent to Discipline really needs to be extended. It takes time for negotiations between counsel for relator and counsel for respondent, AFTER sufficient discovery is complete in order for meaningful discussions on Consent to Discipline. If this will continue to be feature in the disciplinary system, additional time should be permitted in this phase of the proceedings.	Aug 13, 2009 8:21 PM
10	I don't feel a change in the length of the process would affect the quality of the hearings. The differences in presentations before the Board reflects an unevenness that comes from the inherent differences between the two different types of Relators. I suggest a "diversion option" for first time offenders with technical violations which have no adverse impact. This would unburden the system to some extent. I also suggest closer supervision at the LOCAL level, of the actual work done by the volunteers. Both written and oral work is sometimes sloppy, deficient, and unfocused and DOES seem to indicate lack of attention and a desire to "get it over with". When peoples lives and careers are at stake, this should always be a deliberate, accurate and fair process.	Aug 16, 2009 7:18 PM

Ohio Disciplinary System Survey

Based on your experience, how would you rate the disciplinary process overall?						
	Excellent	Good	Average	Poor	Don't Know/NA	Response Count
Office of Disciplinary Counsel	65.4% (34)	28.8% (15)	3.8% (2)	1.9% (1)	0.0% (0)	52
Certified Grievance Committees	13.5% (7)	59.6% (31)	23.1% (12)	3.8% (2)	0.0% (0)	52
Board of Commissioners	73.1% (38)	21.2% (11)	3.8% (2)	1.9% (1)	0.0% (0)	52
Supreme Court	48.1% (25)	34.6% (18)	11.5% (6)	3.8% (2)	1.9% (1)	52
Comment (optional)						7
answered question						52
skipped question						0

Comment (optional)		
1	The system works very well when ODC is involved. It works well with the certified committees. The people who serve on the Board are first rate. I think our system in Ohio (overall) is great. Justice is done and the public is protected.	Jul 30, 2009 4:48 PM
2	Ultimately the practice of law in the state of Ohio is governed by the Supreme Court of Ohio. Since the overwhelming, if not vast, majority of attorneys subject to discipline are those who are sole practitioners or in small firms representing individual clients, it would be preferable, in my view, if more than one (perhaps two, at any given time) of the Ohio Supreme Court justices have been similarly situated, in order to more appropriately decide attorney discipline cases; especially given the stakes involved.	Jul 31, 2009 8:08 PM
3	We are so committed to the idea of policing ourselves--which is a laudable goal--that we are going too far. To try to make ourselves look good to the public, we are lighting a cigarette with a cruise missile. There are many things wrong with the justice system in Ohio, but we are focussed on making it appear that it is all the fault of lawyers, usually lawyers who are carrying the water for the toughest and most emotional cases. Certainly lawyers are a part of the problem. But when a person who would not have a prayer in court suing a lawyer can make his or her life miserable through the disciplinary process are we not doing the same thing that the Constitution prohibits in criminal cases--substituting the judgment of juries with the judgment of judges? If a jury would not find something to be negligent conduct that injured a client, why can judges do so? There is something wrong with the system when every individual practitioner you see is resigned to the fact that someday he or she will lose the license.	Aug 1, 2009 11:43 AM
4	My one criticism of the Court is that it does not move disciplinary cases through the system as promptly as it could.	Aug 5, 2009 7:43 PM
5	Hard to claim non-bias on this one....	Aug 13, 2009 8:20 PM
6	Again, a wide variation between certified grievance committees, with some big city committees good to excellent.	Aug 13, 2009 8:20 PM
7	I do think the Supreme Court should uphold the decisions and the work of the Board, the DC and the committees with few exceptions.	Aug 20, 2009 10:28 AM

Ohio Disciplinary System Survey

Please provide any additional comments about the Ohio lawyer discipline system.	
	Response Count
	16
answered question	16
skipped question	36

Response Text		
1	<p>Disciplinary Counsel is competent and professional but sometimes lacks insight into the day-to-day realities of the practice. Most certified grievance committees have that insight but some of them lack impartiality and are less competent and efficient.</p> <p>The recommendations of the board are for the most part fair. The Court's rulings go too far in punishing the respondent unless the respondent is an impaired lawyer. Unimpaired lawyers are treated too harshly. Again, the Court should give more deference to Board determinations.</p>	Jul 30, 2009 2:48 PM
2	<p>In reviewing some of my answers, I note that I gave ODC higher marks on some aspects of the prosecutorial function than I gave the grievance committees. I stand by that distinction, but want to point out that I do not believe that the comparative unfamiliarity of a volunteer lawyer-prosecutor for a grievance committee with some of the nuances of the process, when compared to the knowledge of a staff counsel from ODC, who does this work full time, does not materially deteriorate from the quality of the work performed by the committees. The ODC lawyers whose day job it is to investigate and prosecute these cases will necessarily be more familiar with the rules, etc., than will be the volunteers, but the quality of the work product is largely the same-good to excellent.</p>	Jul 30, 2009 7:54 PM
3	<p>The Board of Commissioners -- consisting of volunteer lawyers and lay-people guided and trained by an excellent staff -- is an effective part of Ohio's disciplinary process. Board members are professionals with a variety of real life experiences who, as a unit, bring valuable expertise and wisdom to the process. With rare exceptions, Board members are diligent, thoughtful, hard-working and reasonable. The Court has the power to keep the Board strong and effective, by choosing wisely in Board appointments -- for example, some of the less effective Board members I have encountered may have been well-connected or well-known in the bar for various reasons, but someone else would have brought the skills, work ethic and other characteristics that the Board needs. On balance, the Board works very well as the "trial court" for lawyer discipline cases.</p>	Jul 30, 2009 8:54 PM
4	<p>The discipline system needs to also put emphasis of preventing problems. This could accomplished by increasing awareness of mentoring program, substance abuse and mental health awareness and training, etc. Also, more training opportunities for bar counsel and volunteer attorneys who prosecute and defense attorneys on the procedural and substantive rules of this practice.</p>	Jul 31, 2009 2:14 AM

Response Text		
5	The system itself, from procedural philosophy perspective, ought to be more scrupulous in its preliminary determinations regarding the merits of a grievance filed. Again, the stakes involved all-but-mandate that only the most provable and/or egregious instances of attorney misconduct be pursued further, with any and all doubts resolved in favor of the aggrieved attorney. In this way, the stated purpose of attorney discipline proceedings in Ohio, i.e., protection of the public and not punishment of the attorney, can most adequately be served, alleviating the burden placed upon those aggrieved and most effectively employ the resources of certified grievance committees and the Office of Disciplinary Counsel.	Jul 31, 2009 8:08 PM
6	Perhaps some educational effort to inform the public and the profession of the goals of the disciplinary sytem and how that system works would allay an apparent misperception that the system is somehow broken, unfair, or ineffective. The records of the Office of Disciplinary Counsel disclose the actual effectiveness of the overall reporting, investigation, and disposition of grievances, not only by that office but the several certified committees. The opinions and orders of the Supreme Court concerning lawyer discipline speak for themselves. One must remember also that the Ohio disciplinary system is funded by assessment of all Ohio lawyers, not by public tax funds, for the government of lawyers for the protection of the public. It is actually working very well as a self governing system.	Aug 1, 2009 6:42 AM
7	I mean no disrespect by these answers. If they are offensive, let me know and I will complete another survey saying everything is excellent. But I assume you wanted honesty. Having worked in the govenrment previously, I know what an artificial environment it can be, and there seems a penchant these days not to tell the emperor that he is wearing no clothes. My answers were meant to be honest and direct (which I hope is what you wanted) and not offensive.	Aug 1, 2009 11:43 AM
8	Most of my experience has been with the Bd of Comm. and the local Cert Griev. Comm. they have both been hard working groups and I feel they have done a commendable job, the Bd of Comm were a hard working and under appreciated group. Their staff was wonderful and my time there is some of the best spent time of my legal carrier.	Aug 3, 2009 7:55 PM
9	It isn't perfect, but those involved are dedicated to the profession and the public. It makes me proud to be a attorney.	Aug 3, 2009 8:26 PM
10	The bar is fortunate to have the present Disciplinary Counsel. ("present" was underlined in the response) The system depends on a knowledgeable and fair individual, free of any political considerations. We have that now!	Aug 7, 2009 3:54 PM
11	All of our efforts ought to be directed towards minimum standards of adequacy required of all CGC's and volunteer counsel. Regardless of the size and location, there are good and bad CGC's, bar counsel and volunteer lawyers. There is not a problem which is fixed by simply drawing a line to eliminate certain CGC's based upon lawyer population. Too simplistic.	Aug 13, 2009 8:17 PM
12	An understanding of the factors that cause delays in cases needs to be better presented. We see the statistics on how many days from filing to decisions, etc., but those statistics don't tell the story in terms of delays due to numbers of charges to be investigated, complexity of cases, etc. Also, I have been involved in cases where the specialization of the respondents was not the same as those who were assessing the charges. This can cause delays and misunderstandings in terms of assessing a chain of events leading to a grievance.	Aug 13, 2009 8:20 PM

Response Text		
13	Like most lawyer disciplinary systems, it has become more regulatory and rule-bound over the years, while the rationales behind the sanctions have been slow to adapt. We have a process that lumps together for filing and investigatory purposes serious crimes such as stealing money; regulatory matters such as advertising, insurance notification and trust account procedures; and ethics/judgment matters such as confidentiality, conflicts, statements to courts, etc. The task force might consider ways to separate out serious matters for serious investigation, provide quicker more regulatory sanctions (as in CLE or attorney registration) for some of the regulatory offenses, and retain a process of peer review for the matters that require good legal judgment.	Aug 13, 2009 8:20 PM
14	NO system is perfect. However, elimination of practicing members of the bar in the discipline system would not be beneficial. My suggestion is to regionalize Certified Grievance Committees, which regional committees would conduct investigations and then make determinations of probable cause. Then the case would be sent to Disciplinary Counsel's office for prosecution. Disciplinary Counsel's office would have complete authority to amend or dismiss the charges. This suggestion keeps parts of both present systems.	Aug 13, 2009 8:21 PM
15	I do not like the changes that have been made to Rule V in the past few years in Ohio. Being uniform with other states does not make Ohio better. There is too much vague concern for "third" parties. A lawyer's primary responsibility is to represent the client. It should always be assumed that lawyers are honest and as officers of the court understand their responsibility to the public/third parties. While zealousness could be a substitute for preparedness these qualities are not exclusive of each other. Passionate advocacy should be encouraged, not discouraged.	Aug 20, 2009 10:28 AM
16	Young lawyers need some type of mentoring system.	Aug 21, 2009 12:50 PM